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EXAMINER

ELAHEE, MD S

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,857

Applicant(s)

BAUER, THOMAS MICHAEL

Examiner

Md S Elahee

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 2645

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed on 03/23/04. Claims 1-20 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claim 1 is objected to because of the following informalities: the acronym "LIICA" used in the claim should be spelled out. Appropriate correction is required.

Claims 12 and 13 are objected to because of the following informalities: the phrase "a connection" appears to be "a special-services connection". Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 6-9 and 12-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Hanson et al. (U.S. Patent No. 6,535,585).

Art Unit: 2645

Regarding claim 1, Hanson discloses in response to a request from a calling party, establishing a collect call (i.e., special services) connection to a called number (fig. 1, 3, 6; col.3, line 65-col.4, line 10, lines 62-67, col.9, lines 43-47).

Hanson further discloses determining whether the connection is established to an answering machine (fig. 1, 3, 6; col.3, line 65-col.4, line 10, lines 62-67, col.9, lines 43-47; 'answering machine' reads on the claim 'LIICA entity').

Hanson further discloses that the connection is established to an answering machine, presenting the calling party an offer to record store a message on an messaging platform (fig. 6; col.3, line 65-col.4, line 10, col.5, lines 5-13, col.9, lines 43-57; 'record' reads on the claim 'store').

Regarding claim 2, Hanson discloses providing a prompt to the calling party that solicits a response from the calling party regarding whether the calling party wishes to record a message (fig. 1, 6; col.3, line 65-col.4, line 10, col.5, lines 5-13, col.9, lines 43-57; 'record' reads on the claim 'store').

Hanson further discloses coupling the calling party to the messaging platform when the response is affirmative (fig. 6; col.3, line 65-col.4, line 10, col.5, lines 5-13, col.9, lines 43-57).

Hanson further discloses recording a message from the calling party in the messaging platform (fig. 6; col.3, line 65-col.4, line 10, col.5, lines 15, 16, col.9, lines 43-57; 'recording' reads on the claim 'storing').

Regarding claim 3, Hanson further discloses coupling the calling party to the messaging platform (fig. 6; col.3, line 65-col.4, line 10, col.5, lines 5-13, col.9, lines 43-57).

Art Unit: 2645

Hanson further discloses providing a prompt to the calling party that solicits a response from the calling party regarding whether the calling party wishes to record a message (fig. 1, 6; col.3, line 65-col.4, line 10, col.5, lines 5-13, col.9, lines 43-57; 'record' reads on the claim 'store').

Hanson further discloses when the response is affirmative, recording a message from the calling party in the messaging platform (fig. 6; col.3, line 65-col.4, line 10, col.5, lines 15, 16, col.9, lines 43-57; 'recording' reads on the claim 'storing').

Regarding claim 4, Hanson discloses answering machine being any entity other than a communicative person (col.3, line 65-col.4, line 10; 'answering machine' reads on the claim 'LIICA entity').

Regarding claim 6, Hanson discloses recording a message on the messaging platform in response to acceptance by the calling party of the offer (fig. 6; col.3, line 65-col.4, line 10, col.5, lines 15, 16, col.9, lines 43-57; 'recording' reads on the claim 'storing').

Regarding claims 12 and 14, Hanson discloses establishing a special-services connection to a called number, receiving a request for a connection from the calling party (fig.2, 6; col.4, lines 65, 66, col.9, lines 43-51).

Regarding claims 13 and 15, Hanson discloses establishing a connection to a called number, receiving a request for a connection from the calling party (fig.2, 6; col.4, lines 62-66, col.5, lines 15, 16, col.9, lines 43-57).

Hanson further discloses interacting with the calling party to establish that the calling party wishes to receive a prompt that might lead to an offer, made to the calling party, to record a message in the messaging platform (fig.2, 6; col.4, lines 62-66, col.5,

Art Unit: 2645

lines 5-12, 15, 16, col.9, lines 43-57; 'prompt' reads on the claim 'call treatment' and 'record' reads on the claim 'store').

Regarding claim 16, Hanson teaches that the collect call connection to a called party and the step of interacting includes the voice name of the calling party (i.e., calling party identifying itself) (fig.6; col.9, lines 43-57).

Regarding claim 17, Hanson discloses providing a prompt to the calling party to record a message in the messaging platform (fig.2, 6; col.5, lines 5-12, 15, 16, col.9, lines 43-57; 'prompt' reads on the claim 'offer' and 'record' reads on the claim 'store').

Regarding claim 18, Hanson discloses recording a message from the calling party in the messaging platform (fig.2, 6; col.5, lines 15, 16, col.9, lines 43-57; 'recording' reads on the claim 'storing').

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson et al. (U.S. Patent No. 6,535,585) and in view of Yue et al. (U.S. Patent No. 5,937,050) and further in view of Eisdorfer et al. (U.S. Patent No. 5,475,733).

Regarding claim 5, Hanson discloses the messaging service being taken from a set that includes a True Messaging SM (fig.7; col.1, lines 18-26, col.7, lines 43-58; 'messaging service' reads on the claim 'LIICA entity' and 'True Messaging SM' reads on the claim 'telephone answering machine').

Art Unit: 2645

Hanson fails to teach that the LIICA entity being taken from a set that includes a fax machine. Yue teaches a communication service being taken from a set that includes a fax service (fig.2, fig.4; col.10, lines 27-40; 'communication service' reads on the claim 'LIICA entity' and 'fax service' reads on the claim 'fax machine'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hanson to allow LIICA entity be taken from a set that includes a fax machine as taught by Eisdorfer. The motivation for the modification is to have the fax machine to handle the facsimile transmission including the source information.

Hanson in view of Yue further fails to teach that the LIICA entity being taken from a set that includes a modem. Eisdorfer teaches network communication platform being taken from a set that includes a modem (fig.1; col.2, lines 57-67; 'network communication platform' reads on the claim 'LIICA entity'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hanson in view of Yue to allow LIICA entity be taken from a set that includes a modem as taught by Eisdorfer. The motivation for the modification is to have the modem to process the data.

8. Claims 7-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson et al. (U.S. Patent No. 6,535,585) and in view of Klausner et al. (U.S. Patent No. 5,572,576).

Regarding claim 7, Hanson fails to teach "providing a message to said LIICA entity". Klausner discloses providing a message to the TAD (fig.7, 11; col.9, line 56-col.10, line 6; 'TAD' reads on the claim 'LIICA entity'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify

Art Unit: 2645

Hanson to allow providing a message to the LIICA entity as taught by Klausner. The motivation for the modification is to have doing so in order to record the message to the answering machine.

Regarding claim 8, Hanson fails to teach "provided message is stored in said LIICA entity". Klausner discloses provided message being recorded in the TAD (fig.7, 11; col.9, line 56-col.10, line 6; 'recorded' reads on the claim 'stored'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hanson to allow provided message being stored in the LIICA entity as taught by Klausner. The motivation for the modification is to have doing so in order to store the message for later retrieval by the called party.

Regarding claim 9, Hanson fails to teach "message provided to said LIICA entity identifies the calling party". Klausner discloses message provided to the TAD identifies the calling party (fig.7, 11; col.9, line 56-col.10, line 6). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hanson to allow message provided to the LIICA entity identifying the calling party as taught by Klausner. The motivation for the modification is to have doing in order to provide the caller identity to the called party.

Regarding claim 10, Hanson teaches the message stored from the calling party in the messaging platform (fig.2, 6; col.5, lines 15, 16, col.9, lines 43-57). However, Hanson fails to teach "said message provided to said LIICA entity characterizes the message stored from said calling party". Klausner teaches that the message provided to the TAD characterizing the message stored from the calling party (fig.7, 11; col.9, line 56-col.10, line 6). Thus, it would have been obvious to one of ordinary skill in the art at the time the

Art Unit: 2645

invention was made to modify Hanson to allow the message provided to the LIICA entity characterizing the message stored from the calling party as taught by Klausner. The motivation for the modification is to have doing so in order to make the appropriate delivery of the messages.

9. Claim 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson et al. (U.S. Patent No. 6,104,786) and in view of Caswell et al. (U.S. Patent No. 6,336,138).

Regarding claim 19, Hanson fails to teach "receiving a request from the inquiring party to retrieve stored messages". Caswell discloses receiving a request from the subscriber (i.e., inquiring party) to retrieve stored messages (col.18, line 57-col.19, line 5-10). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hanson to allow receiving a request from the inquiring party to retrieve stored messages as taught by Caswell. The motivation for the modification is to have doing so in order to verify the subscriber identity.

Hanson further fails to teach "ascertaining identity of the called party". Caswell discloses ascertaining identity of the called party (col.18, line 57-col.19, line 5-10). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hanson to allow ascertaining identity of the called party as taught by Caswell. The motivation for the modification is to have doing so in order to confirm the identity of the subscriber.

Hanson discloses that messages are present in the message platform for the called party (i.e., inquiring party), accepting (i.e., retrieving) a stored message from the messaging platform (fig. 6; col.9, line 52-col.10, line 16).

Art Unit: 2645

Regarding claim 20 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Hanson teaches ascertaining willingness of the called party to pay for retrieval of a stored message (fig. 6; col.9, line 52-col.10, line 16). (Note: when the called party accepts the collect call message left by the calling party, the called party inherently agrees to pay for the message delivery)

Allowable Subject Matter

10. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Raissyan et al. (U.S. Patent No. 5,703,935) teach Automated telephone operator services.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

Art Unit: 2645

advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [shafiulalam.elahce@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Any response to this action should be mailed to:

Box AF

Art Unit: 2645

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Allan Hoosain
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May 31, 2004